

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Patent Application No. 09/620,708

I. **The Double Patenting Rejection**

Claims 1-3, 5-11, 13-20 and 22-25 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 6-9 of U.S. Patent Application Publication No. 2002/0006576 A1.

First of all, Applicants also note that U.S. Patent Application Publication No. 2002/0006576 A1 is related to copending application serial number 09/729,953. The prosecution of copending application serial number 09/729,953 has been suspended in Office Communication dated July 31, 2002 "due to a potential interference".

While Applicant respectfully submits that the present invention is not obvious over the claims of U.S. Patent Application Publication No. 2002/0006576 A1, to expedite allowance of the present Application, Applicants are submitting herewith a terminal disclaimer to obviate the obviousness-type double patenting rejection over the claims of U.S. Patent Application Publication No. 2002/0006576 A1. Since U.S. Patent Application Publication No. 2002/0006576 A1 is a publication, the terminal disclaimer refers to copending application serial number 09/729,953.

For the above reasons, it is requested that the obviousness-type double patenting rejection over U.S. Patent Application Publication No. 2002/0006576 A1 (copending application serial number 09/729,953) be reconsidered and withdrawn.

Applicants also note that Fuji Photo Film Co., Ltd. is the assignee of U.S. Patent Application Publication No. 2002/0006576 A1 (and copending application serial number 09/729,953) by virtue of an Assignment from all of the inventors

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thereof executed on February 9, 1998, recorded at reel 012584, frame 0963, and is also the assignee of the instant application, U.S. Application No. 09/620,708, by virtue of an Assignment from all of the inventors thereof executed on July 14, 2000, recorded at reel 011001, frame 0016.

The undersigned hereby represents that U.S. Patent Application Publication No. 2002/0006576 A1 (and copending application serial number 09/729,953) and the claimed invention were, at the time the invention of the instant application was made, owned or subject to an obligation of assignment to Fuji Photo Film Co., Ltd.

II. Conclusion

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the obviousness-type double patenting rejection be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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